

REMARKS

Please reconsider the present application in view of the above amendments and the following remarks.

Disposition of Claims

Claims 1-27 are pending in the present application. Of these claims, claims 1, 10, 17, 22, 23, 24, 25, 26, and 27 are independent. The remaining claims depend, directly or indirectly, from Claim 1, 10, or 17.

Claim Amendments

Claims 1-7, 10-14, 17-19, and 22-27 have been amended to correct antecedent basis. Claims 25-27 have also been amended to be associated with a computer readable medium, as per the Examiner's suggestion. Claim 21 has been amended solely to clarify the correct minor formalities. Claims 1, 6-10, 15, 16, 18, 22, and 25 have also been amended to correct antecedent basis, as per the Examiner's suggestion. Claims 6, 16, and, 21 have also been amended to clarify the claim language, as per the Examiner's suggestion. Claims 1 has been amended to clarify the invention by adding a limitation, "*at least one of race, age, and sex as a class of the object*" inferred by the inference part recited in the claim, and "*a memory for storing contents of correction process of the face image as predetermined data corresponding to each class.*" Claims 10, 17, 22-27 have also amended to include the similar limitations as claim 1. Support

for the amendments to claims 1, 10, 17, 22-27 may be found, for example, in paragraph [0019]-[0021] of the original specification. No new matter has been added by way of the amendments.

Objection(s)

Abstract

The abstract is objected to for the inclusion of the reference numbers and for exceeding 150 words. By way of this reply, the abstract has been amended to remove the reference numbers and to not exceed 150 words. Accordingly, withdrawal of the objection is respectfully requested.

Specification

The disclosure is objected to for not showing the appropriate related application. An appropriate Application Data Sheet is submitted with this reply. The Application Data Sheet clearly indicates that the present application claims priority from Japanese patent application JP2003-033485, filed on February 12, 2003. Accordingly, withdrawal of the objection is respectfully requested.

Claims

Claims 1-7, 10-14, 17-19, and 22-27 are objected to for informalities. Specifically, the claims are objected to for improper antecedent basis. By way of this reply, claims 1-7, 10-14, 17-19, and 22-27 have been amended to correct antecedent basis. Accordingly, withdrawal of the objection is respectfully requested.

Rejection(s) under 35 U.S.C. § 101

Claims 1-7 stand rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Claims 25-27 have been amended to be associated with a computer readable medium, as per the Examiner's suggestion in the Office Action. Accordingly, this rejection is now moot with respect to claims 25-27.

Rejection(s) under 35 U.S.C. § 112

Claims 1-23, and 25-26 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, claims 1, 6-10, 15, 16, 18, 22, and 25 have been rejected for lacking clear antecedent basis. By way of this reply, claims 1, 6-10, 15, 16, 18, 22, and 25 have been amended to correct antecedent basis, as per the Examiner's suggestion in the Office Action.

Claims 6, 16, and, 21 have been rejected for been unclear what the applicant is trying to state. By way of this reply, claims 6, 16, and, 21 have been amended to clarify the claim language, as per the Examiner's suggestion in the Office Action.

Accordingly, withdrawal of the objection is respectfully requested.

Rejection(s) under 35 U.S.C. § 102

Claims 1-5, 7, 22, and 25 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Publication Patent No. 2002/0113862 ("Center"). Independent claim 1 has been amended

in this reply as discussed above. To the extent that this rejection may still apply to the amended claims, the rejection is respectfully traversed.

One or more embodiments of the claimed invention are directed to a image editing apparatus for performing the process of retrieving and correcting an image generated by a predetermined image pickup device and outputting a corrected image.

Specifically, the correction of the contents suitable for the object is selected out of a plurality of correction process set as references in respect of any one of the race, age and sex as a class of the object, and the face image can be corrected based on these correction contents. Further, in order to determine the contents of the process for correcting the face image based on the inference result, preferably a memory such as a setting table is prepared (*see*, for example, paragraph [0021] on page 9 of the original specification).

Accordingly, claim 1 requires, in part, “an inference part for inferring *at least one of race, age, and sex as a class of the object* of the face image based on feature amounts in an image area containing the face image detected by the face image detection part” and “*a memory for storing contents of correction process of the face image as predetermined data corresponding to each class.*”

Center, in contrast to independent claim 1, does not disclose or suggest at least the above limitations. Additionally, Center does not provide any motivation to modify its teachings to produce the claimed invention.

As discussed above, an inference part in the claimed invention infers at least one of race, age, and sex as a class of the object of the face image based on feature amounts in an image area containing the face image detected by the face image detection part. Meanwhile, contents of correction process of the face image are stored in a memory as predetermined data corresponding to each class. In other words, the contents of correction process of the face image

are stored in the form of data classified into each class. A determining part determines the contents of correction process of the face image, stored in the memory, based on the result of inference by the inference part. Based the above structure in the claimed invention, the contents of correction can be accurately selected in accordance with their class such as the race, age, and sex, as essential factors inherently characterizing appearance of each person. Thus, a corrected image can hold its inherent characteristic of appearance even after the correction.

In contrast, Center fails to disclose any elements to store and use data contents, for correction of other data, in a form classified based on essential factors characterizing each object. Instead, as Center shows apparatus for evaluating image quality for determining the contents of correction process, but does not show anything relating to elements for storing and using data contents in a form classified based on essential factors characterizing each object.

Therefore, Center fails to show or suggest at least these limitations recited in claim 1. Accordingly, independent claim 1 is patentable over Center. Dependent claims 2-5, and 7 are patentable for at least the same reasons. Independent claims 22 and 25 include the similar limitation as claim 1. Thus, claims 22 and 25 is also patentable for at least the same reasons. Accordingly, withdrawal of the objection is respectfully requested.

Rejection(s) under 35 U.S.C. § 103

Claim 6

Claims 6 stands rejected under 35 U.S.C. § 103(a) as being obvious over Center in view of U.S. Publication Patent No. 2002/0015514 (“Kinjo”). To the extent that this rejection may still apply to the claims as amended, the rejection is respectfully traversed.

As discussed above, amended claim 1 is patentable over Center. Further, Kinjo also fails to show or suggest at least the limitations of claim 1 discussed above. Kinjo shows an image processing device which performs a correction process of a face image detected by a CCD sensor. However, Kinjo does not teach or suggest anything relating to elements for storing and using data contents in a form classified based on essential factors characterizing each object, such as race, age, and sex of the object. Instead, the device in Kinjo simply performs DC offset correction, dark state correction, defective image correction and shading correction (see, for example, paragraph [0077] in the prior art reference). Accordingly, claim 1 is patentable over Center and Kinjo, whether considered separately or in combination, because the references fail to teach or suggest at least these limitations of claim 1. Dependent claim 6 is patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 8 and 9

Claims 8 and 9 stand rejected under 35 U.S.C. § 103(a) as being obvious over Center. As discussed above, amended claim 1 is patentable over Center. Thus, dependent claims 8 and 9 are also patentable for at least the same reasons.

Claims 10-21, 23, 24, 26, and 27

Claims 10-21, 23, 24, and 26, 27 stand rejected under 35 U.S.C. § 103(a) as being obvious over Center in view of U.S. Publication Patent No. 2002/0015514 (“Kinjo”). Independent claims 10, 17, 23, 24, 26, and 27 have been amended similarly as claim 1. Specifically, all of the amended claims include the limitation of “inferring or estimating at least one of race, age, and sex as a class of the object of the face image,” and “contents of correction process of the face image are stored in a memory as predetermined data corresponding to each

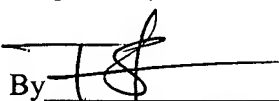
class.” Neither Center, nor Kinjo, teach or suggest anything relating to storing and using data contents in a form classified based on essential factors characterizing each object. Accordingly, claims 10, 17, 23, 24, 26, and 27 are patentable over Center and Kinjo, whether considered separately or in combination, because the references fail to teach or suggest at least these limitations of these claims. Dependent claims are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 15115/104001).

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Respectfully submitted,

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